

## UNITED STATES DISTRICT COURT

for the  
Western District of WashingtonIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)A premises located at 2100 Alabama St., T11  
Bellingham, Washington 98229, more fully described  
in Attachment A

Case No. MJ20-115

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A premises located at 2100 Alabama St., T11 Bellingham, Washington 98229, more fully described in Attachment A

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §§922(g)(1);(2).371	Felon in Possession of a Firearm; Conspiracy
26 U.S.C. §§ 5861(d); (3)	Unlawful Possession of a Firearm

The application is based on these facts:

- ☒ See Affidavit of Special Agent Ian Wallace, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.

Applicant's signature

Ian Wallace, HSI Special Agent

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 3/10/2020



Judge's signature

City and state: Seattle, Washington

Paula L. McCandlis, United States Magistrate Judge

Printed name and title

STATE OF WASHINGTON            )  
  )        SS  
COUNTY OF KING                )

**I, Special Agent Ian Wallace, having been duly sworn, state as follows:**

## AFFLANT BACKGROUND

1. I am a Special Agent with the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI), assigned to the Office of the Assistant Special Agent in Charge (ASAC), Blaine, Washington. I have been employed as a Special Agent with HSI since 2008. I am currently assigned to the National Security/Public Safety Group, where I investigate cases involving the illegal import and export of weapons and other items from the United States. I have received formal training at the Federal Law Enforcement Training Center in Glynco, Georgia. Based on my training and experience, I am familiar with the area of criminal law, firearms law, firearms training, rules of evidence and interview techniques. Through my years in law enforcement, I have gained knowledge and experience in conducting physical surveillance, interviewing witnesses, victims and suspects, writing affidavits for executing search and arrest warrants. I am also familiar with the manner in which individuals illegally acquire and import export-controlled merchandise from the United States to foreign countries and into the United States from foreign countries.

2. I make this affidavit in support of an application for a search warrant to search the premises located at 2100 Alabama St., T11 Bellingham, Washington 98229 (the "SUBJECT PREMISES"). The SUBJECT PREMISES is further described in Attachment A to this affidavit, which is incorporated herein by reference.

3. As discussed below, there is probable cause to believe that Steven Gilliland, a convicted felon, resides at the SUBJECT PREMISES, and has one or more firearms stored at the SUBJECT PREMISES. In addition, there is probable cause to believe that Gilliland has imported silencers, for delivery to the SUBJECT PREMISES.

1           4.     I seek authorization to seize the items from the SUBJECT PREMISES that  
2 are described in Attachment B to this affidavit, which is incorporated herein by  
3 reference.<sup>1</sup>

4           5.     The facts set forth in this Affidavit are based on my own personal  
5 knowledge; information obtained from other individuals during my participation in this  
6 investigation, including other law enforcement officers; interviews of cooperating  
7 witnesses; review of documents and records related to this investigation; communications  
8 with others who have personal knowledge of the events and circumstances described  
9 herein; and information gained through my training and experience.

10          6.     Because this Affidavit is submitted for the limited purpose of establishing  
11 probable cause in support of the application for a search warrant, it does not set forth  
12 each and every fact that I, or others, have learned during the course of this investigation.

13                               RELEVANT LAW

14          7.     Title 18, United States Code, Section 922(g)(1) prohibits a felon from  
15 possessing a firearm that traveled in interstate commerce. Under Title 18, United States  
16 Code, Section 921(a)(3)(C), the term “firearm” includes “any firearm muffler or  
17 silencer.” Under Title 18, United States Code, Section 921(a)(24), the “terms “firearm  
18 silencer” and “firearm muffler” mean “any device for silencing, muffling, or diminishing  
19 the report of a portable firearm, including any combination of parts, designed or  
20 redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm  
21 muffler, and any part intended only for use in such assembly or fabrication.”

22          8.     Title 26, United States Code, Section 5861(d), prohibits a person to receive  
23 or possess a firearm not registered to the person in the National Firearms Registration and  
24 Transfer Record. A silencer, as defined above, is a type of firearm under this provision.<sup>2</sup>

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27 <sup>1</sup> At this juncture, I am not seeking authorization to search any digital devices. I might apply for a second warrant if  
28 devices are located on the scene that appear to have been used to purchase the silencers described in this Affidavit,  
or otherwise used to further criminal activity.

<sup>2</sup> This affidavit uses the term “silencer” to refer both to the Title 18 and Title 26 provisions cited under this section.

1           9. Title 18, United States Code, Section 545, prohibits fraudulently or  
2 knowingly importing or bringing into the United States, any merchandise contrary to law.

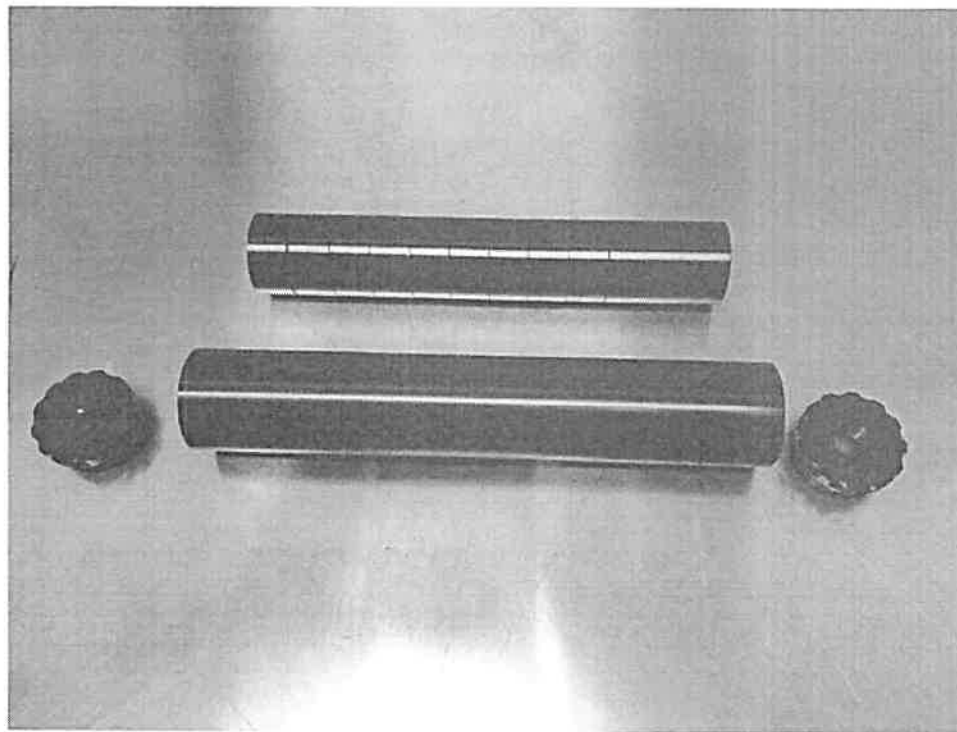
3           10. Title 18, United States Code, Section 371 prohibits two or more persons  
4 from conspiring to violate federal law, and taking an overt act in furtherance of the  
5 conspiracy.

### 6                                   SUMMARY OF INVESTIGATION

#### 7       **A. The Seized Packages**

8           11. On January 20, 2020, a Customs and Border Protection officer conducted a  
9 border inspection of a package that was addressed to Steven Gilliland at the SUBJECT  
10 PREMISES. As discussed below, Gilliland is a convicted felon. The package had been  
11 shipped from China. The package was described in the shipper's manifest as containing  
12 a "gear shift knob." The shipper was listed as "Shihong guo." Since November 2019,  
13 CBP officers have inspected over 75 packages from this shipper from the same or similar  
14 Chinese addresses. These packages all contained silencers, or items suspected of being  
15 silencers. The packages contained shipping labels that falsely described the items as  
16 containing items such as "fuel filters" or "gear shift knobs."

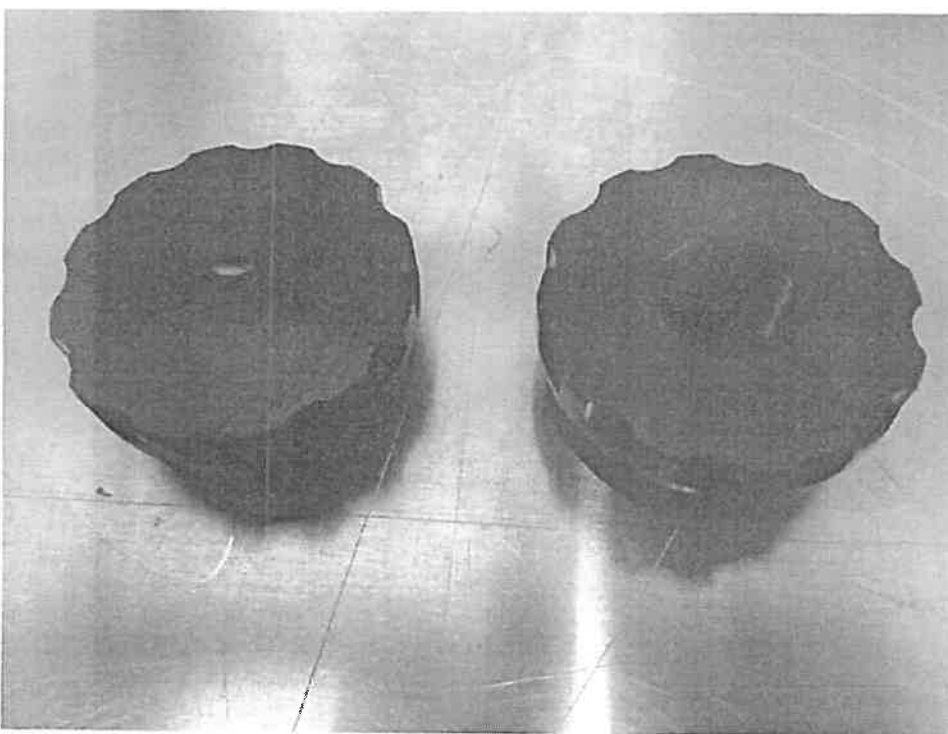
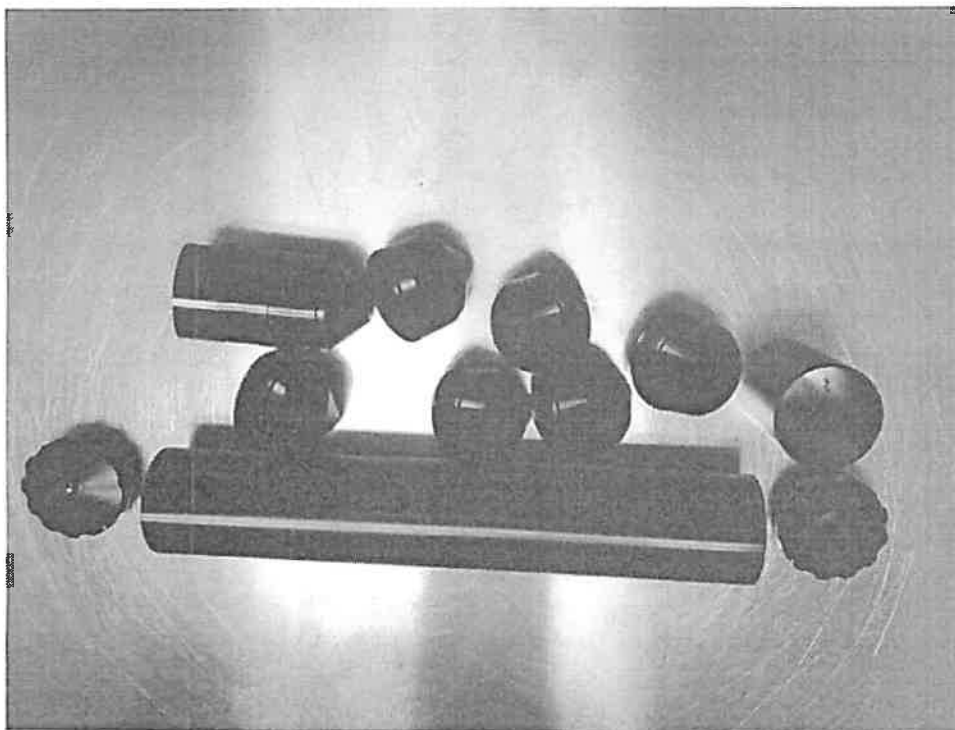
17           12. The package was addressed to Gilliland; it contained a black tube that  
18 housed ten stacked baffles with one end threaded and the other end-capped with a center-  
19 mark indicated. Pictures of the package and device are shown below.  
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AFFIDAVIT OF WALLACE - 4  
USAO# 2020R00234

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1        13. On December 25, 2019, a Customs and Border Protection officer conducted  
2 a border inspection of another package that was addressed to Steven Gilliland at the  
3 SUBJECT PREMISES. The package was described in the shipper's manifest as  
4 containing a "fuel filter." The shipper was listed as "Zhangruiyue." Since November  
5 2019, CBP officers have inspected over 260 packages from this shipper from the same or  
6 similar Chinese addresses. These packages all contained silencers, or items suspected of  
7 being silencers. The packages contained shipping labels that falsely described the items  
8 as containing items such as "fuel filters."

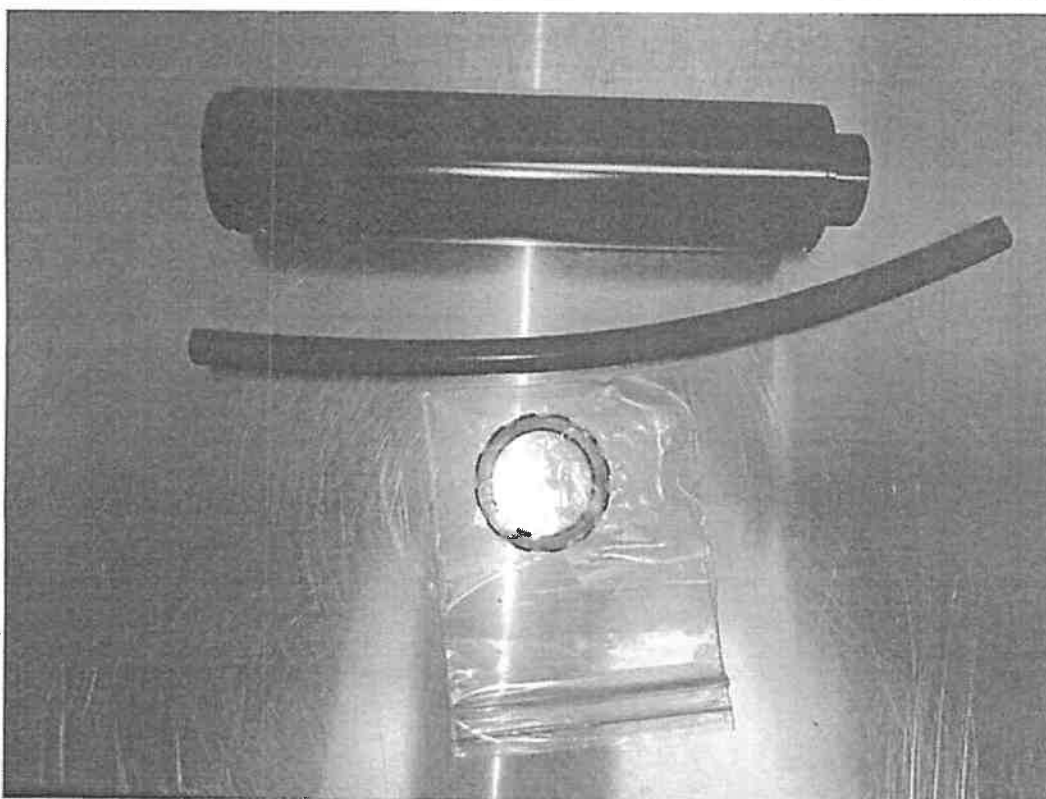
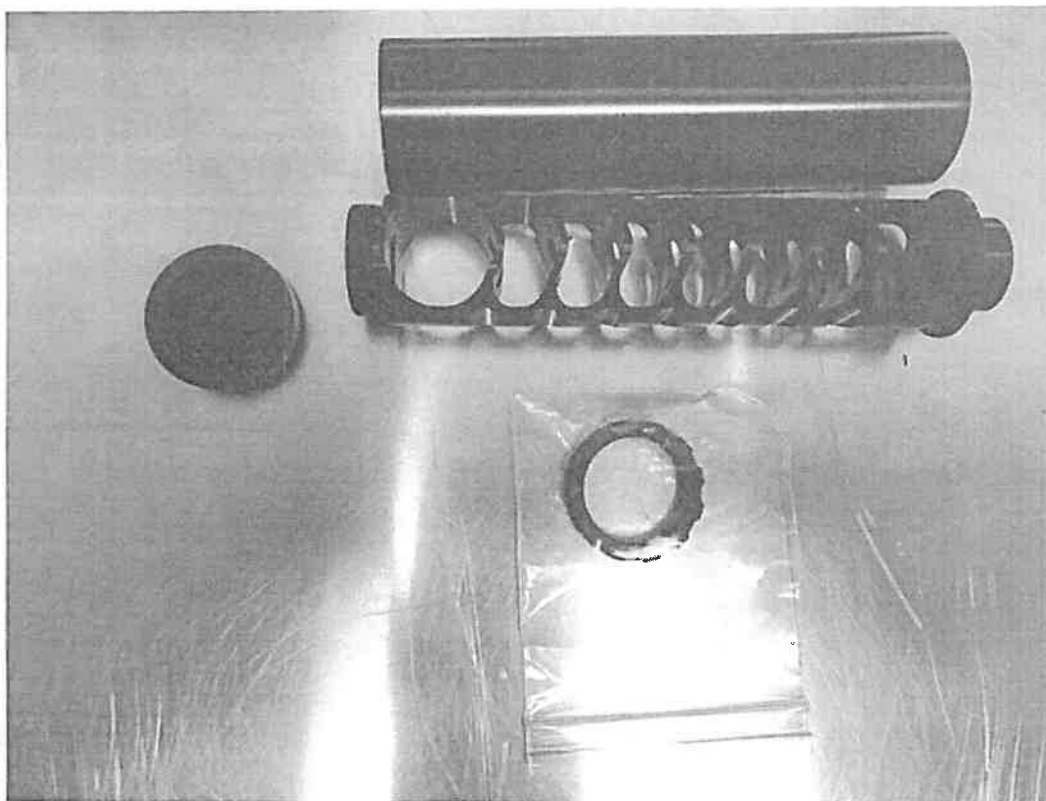
9        14. The package contained a black tube that housed a single baffle with one end  
10 threaded and the other end-capped with a center mark indicated. Pictures of the package  
11 and device are below:  
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15. I have examined the two devices described above with Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent Nate Merritt. Special Agent Merritt has received specialized training on firearms, which includes training on silencers. We also reviewed a report published by the ATF Firearms Technology Criminal Branch that examined a device that was sent by Zhangruiyue.<sup>3</sup> The report describes the device as follows:

Exhibit 3 is a monocoire baffle firearm silencer that is identical in design and construction to Exhibit 1 with the exception of the rear threads, which are 1/2X28 (see attached photos). As received, the Exhibit is assembled with a solid front end-cap that is center-marked in the same fashion as Exhibit 1. As such, Exhibit 3 is a combination of parts designed and intended for use in assembling a firearm silencer or firearm muffler and, therefore, is a "firearm silencer" as defined.

Further, the *additional* front end-cap included with the Exhibit is hereafter referred to as Exhibit 3a. This end-cap is open in the center to allow a bullet to pass through in the same manner as the front end-cap in Exhibit 1. Therefore, the Exhibit 3a front end-cap, in and of itself, being a part intended only for use in assembling a firearm silencer, is a "firearm silencer" as defined.

16. The report concludes that the item is a silencer, both under Titles 18 and 26.

17. Special Agent Merritt and I have examined the device that was intended for Gilliland that was shipped by Zhangruiyue, and compared it to the device that is described in the report. The device is identical in all material respects, *i.e.*, it has the same components and characteristics that are highlighted above in the report. Thus, based on my training and experience, along with the training and experience of Special Agent Merritt, I believe that the device is a silencer. Special Agent Merritt shares this belief, which is grounded in part on his training and experience, including his knowledge gained in multiple investigations he has conducted into Chinese silencers entering the United States.

18. In addition, Special Agent Merritt, based on his training and experience with silencers, believes that that the item shipped by Shihong guo constitutes a silencer as well.

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<sup>3</sup> Examiners with the Firearms Technology Criminal Branch receive training and have experience as to what constitutes a "silencer" under federal law.

1 **B. Steven Gilliland's Criminal History and Residence**

2 19. I have reviewed the criminal history of Steven Gilliland. In 2013, Gilliland  
3 was convicted in the Whatcom County Superior Court in Washington State of Unlawful  
4 Possession of a Firearm in the First Degree and Bail Jumping. He was sentenced to 18  
5 months in custody. Gilliland has other felony convictions as well.

6 20. As a felon, Gilliland does not have any firearms registered to him on the  
7 National Firearms Transfer Record, including silencers.

8 21. A record check with Washington State Department of Licensing revealed  
9 that Gilliland updated his mailing address to the SUBJECT PREMISES in January 2020.  
10 I have driven by the SUBJECT PREMISES numerous times and have observed a Toyota  
11 Tundra truck registered to Gilliland parked in front of the residence. The last time this  
12 occurred was March 3, 2020.

13 22. Whatcom County property records show that the SUBJECT PREMISES is  
14 a townhome in the Crimson Hills complex. During surveillance agents observed  
15 numerous vehicles parked at the residence.

16 23. I seek authorization to search the entire premises, and vehicles registered to  
17 Gilliland that are parked at the SUBJECT PREMISES.

18 **D. Training and Experience**

19 24. Based on my training and experience, I know that persons who order items,  
20 even contraband, from overseas, often retain records relating to the order. I also know  
21 that persons who order silencers almost always purchase them to use with an existing  
22 firearm and ammunition. I also know that persons typically store their own firearms in  
23 their personal residence and vehicles. Finally, I know, based on my training and  
24 experience, and discussions with Special Agent Merritt, that the overwhelming  
25 percentage of firearms and ammunition found in the State of Washington, are  
26 manufactured outside the State of Washington.

CONCLUSION

25. For the foregoing reasons, I seek authority to search the SUBJECT PREMISES for the items described in Attachment B.

  
IAN WALLACE, Affiant  
Special Agent, HSI

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on 10<sup>th</sup> day of March, 2020.

  
PAULA L. McCANDLIS  
United States Magistrate Judge